

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Appl No.: 10/528321
Applicant: Stephen Guffanti

TC/A.U.: 3714
Examiner: Bruk A.
Gebremichael

Filed: 9/26/2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

- 1) I am one of the co-authors of the book "Rocket Phonics."
- 2) The first edition of "Rocket Phonics" was titled "Powrfoniks: The Student's Handbook," and was created in February 2000. This edition was never available to the public.
- 3) Shortly after I created "Powerfoniks: The Student's Handbook," I printed 20 copies of the book, and I lent them to parents who took part in a study at UCLA. This study lasted for three months, and each of those parents signed a nondisclosure agreement, which was attached to my last declaration signed on December 21, 2009.
- 4) On August 15, 2001, I received a phone call from Dr. Catterall of UCLA, informing me of the results of the UCLA study, and specifically informing me that Powrfoniks was nearly 4 times faster than the control group for teaching reading. The results of that study were only sent to a few professors at UCLA and me. Since the results of that study went so well, I decided that I would write a final draft of my book to publish for public sale.
- 5) On March, 15, 2002, I created the DBA Children's U.com which you see on the copyrighted copy.
- 6) I needed to revise "Powrfoniks: The Student's Handbook" with teacher instructions and as "Powerfoniks" was already being used I needed to change the name. I wrote a second edition, called "Rocket Phonics." That second edition, like the first, was never available to the public. I only submitted the second edition to Cathy Duffy for review. Cathy Duffy is a publisher that worked for Grove Publishing at the time.
- 7) I revised the book a third time after receiving some feedback from Cathy Duffy, also calling it "Rocket Phonics."
- 8) I first advertised the book "Rocket Phonics" for sale on August 8, 2002, via our website http://web.archive.org/web/*/http://www.rocketphonics.com
- 9) Our first sale of the third edition of the book, now called "Rocket Phonics" was in October 2002.

- 10) The patent provisional filed on September 16, 2002 is a correct and true copy of the third version of the book "Rocket Phonics" that was sold in October 2002. This version of the book was also used to draft the patent application.
- 11) On September 8, 2003, I applied for a copyright on the third edition of "Rocket Phonics," filling out FORM TX provided by the copyright office, which was attached to my last declaration signed on December 21, 2009.
- 11) When I filled out FORM TX, I mistakenly listed the date of publication as August 15, 2001 because that was the day when I decided to draft a formal copy of "Rocket Phonics" to be published and sold to the public. I did not know the legal definition for the word "publication." However, now that I am aware of the legal definition of the word "publication," and know that "publication" does not mean when I decided to draft a formal copy of "Rocket Phonics" to be published and sold to the public. I now know that "publication" means "the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending, or the offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display constitutes publication, and that a public performance or display of a work does not of itself constitute publication." Generally, publication happens when copies of a work are first made available to the public. In the situation of "Rocket Phonics," publication happened the first date when I offered the book "Rocket Phonics" to the public, which was on August 8, 2002. I am correcting the records at the copyright office using FORM CA, which was attached to my last declaration signed on December 21, 2009.
- 12) In my previous declarations, I included a statement that the book "Rocket Phonics" was published on September 2, 2002. That was a mistaken date that I wrote when I was still learning what is meant by the word "publication." I now know that "publication" means the first date when I offered the book "Rocket Phonics" to the public, which was on August 8, 2002.
- 12) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true under penalty of perjury under the laws of the United States of America; and further that these statements were made with the knowledge that will false statements made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By

Stephen Guffanti

Submitted by,

By Robert D. Fish

Robert D. Fish
Reg. No. 33,880